

1 STUART I. BLOCK (STATE BAR NO. 160688)
2 sblock@coxcastle.com
3 PERRY S. HUGHES (STATE BAR NO. 167784)
4 phughes@coxcastle.com
5 COX, CASTLE & NICHOLSON LLP
6 555 California Street, 10th Floor
7 San Francisco, CA 94104-1513
8 Telephone: (415) 392-4200, Facsimile: (415) 392-4250

9 Attorneys for Plaintiff
10 UNIVERSAL PARAGON CORPORATION and
11 SUNQUEST PROPERTIES, INC.

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14 UNITED STATES DISTRICT COURT
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16 NORTHERN DISTRICT OF CALIFORNIA

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18 UNIVERSAL PARAGON CORPORATION, a
19 Delaware corporation; and SUNQUEST
20 PROPERTIES, INC., a California corporation,

21 Plaintiffs,

22 vs.

23 INGERSOLL-RAND COMPANY LIMITED, a
24 Bermuda corporation; INGERSOLL-RAND
25 CORPORATION, a New Jersey corporation;
26 SCHLAGE LOCK COMPANY, a California
27 corporation; and TOUCH-PLATE
28 INTERNATIONAL, INC., a California
corporation,

Defendants.

Case No. CV-05-3100 TEH

**STIPULATION AND REQUEST FOR
DISMISSAL WITH PREJUDICE**

AND RELATED COUNTERCLAIM

BACKGROUND

The claims remaining in this matter are remnants of a larger dispute, the majority of which was resolved in May and June 2008. Plaintiffs filed this action in July 2005 against former defendants Ingersoll-Rand Corporation and Ingersoll-Rand (New Jersey), Schlage Lock Company, and Touch-Plate International (collectively "Ingersoll-Rand") to recover cleanup costs and related damages resulting from Ingersoll-Rand's contamination of property owned by Plaintiffs along Highway 101 in San Francisco and Brisbane, California (the "UPC Property"). In December 2005, Ingersoll-Rand filed a third-party complaint against Union Pacific Railroad Company ("Union Pacific") seeking damages, contribution and indemnity due to Union Pacific's alleged contamination of the UPC Property as well as related contamination allegedly caused by Union Pacific at the adjacent property then owned by Ingersoll-Rand (the "I-R Property"). In May 2008, with the assistance of Magistrate Judge Joseph Spero, Plaintiffs and Ingersoll-Rand settled their dispute. The settlement included the assignment of Ingersoll-Rand's claims in this action against Union Pacific to Plaintiffs.

STIPULATION FOR DISMISSAL

15 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs and Union Pacific
16 Railroad Company, by and through their respective counsel of record, hereby stipulate to dismiss this
17 action with prejudice.

18 IT IS SO STIPULATED.

19 Dated: March 10, 2011

COX, CASTLE & NICHOLSON LLP

By

**Stuart I. Block, Attorneys for Plaintiff
UNIVERSAL PARAGON CORPORATION and
SUNQUEST PROPERTIES, INC.**

BARG COFFIN LEWIS & TRAPP, LLP

24 Dated: March 11, 2011

Bv

John F. Barg, Attorneys for Third Party Defendant
UNION PACIFIC RAILROAD COMPANY

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